IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14164 of 2006

Dated: July 13, 2006

Between:

Bayye Abraham, S/o. Raja Rao, age 45 years, Senior Clerk,
R/o. Railway Qtrs., 28/B, Satyanarayanapuram,
Vijayawada, Krishna District.

… Petitioner

And

The General Manager, South Central Railway,
Secunderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to direct the Central Bureau of Investigation to investigate the fraud that has taken place in the Personnel Department, South Central Railway, Vijayawada Division.

2. The petitioner has been working as Senior Clerk in the Personnel Department in the South Central Railway, Vijayawada Division. It is his case that the leave period of certain drivers, who

have already retired, was manipulated by the respondents 6, 7 and 8 herein. It is stated that though the petitioner has brought the same to the notice of the respondents, certain disciplinary proceedings were initiated only against the 8th respondent and a minor punishment was imposed on him, which according to the petitioner, is not proportionate to the misconduct of the 8th respondent. Petitioner claims to have submitted requisitions to the respondents alleging fraudulent acts on the part of respondents 6, 7
and 8. The present writ petition has been filed seeking a direction to the C.B.I. to probe into all these matters.

3. It is to be noticed that though the names of the drivers against whom allegations of availing the benefit of manipulated leave period and the leave particulars are shown in the affidavit, they have not been made parties to the writ petition. Even according to the petitioner, proceedings were initiated against the 8th respondent, the Head Clerk, who was responsible for the alleged misconduct and punishment was imposed. The grievance of the petitioner appears to be that the punishment imposed on the 8th respondent is not in consonance with the gravity of misconduct. However, the petitioner is no way concerned and does not have any locus to question the same. Having regard to the nature of charge and the explanation offered by the delinquent employees, it is for the disciplinary authority to examine the issue of imposing appropriate punishment. When the petitioner has brought the alleged misconduct of the 8th respondent to the notice of the respondents, appropriate action was taken and punishment was imposed on him. It also appears from the affidavit that there are some disputes between the petitioner and respondents 6, 7 and 8 and the present writ petition has been filed to use the authority of this Court

under Article 226 of the Constitution of India, as a tool to settle the scores between the petitioner and respondents 6, 7 and 8.

4. The writ petition is wholly misconceived and the same is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 13, 2006
MRR